

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RYAN McKENDRY-VERHUNCE,

Plaintiff

v.

STATE OF NEVADA,

Defendant

Case No. 3:23-cv-00333-ART-CSD

**ORDER**

On July 7, 2023, Plaintiff Ryan McKendry-Verhunce, an inmate in the custody of the Nevada Department of Corrections, submitted an application to proceed *in forma pauperis*. (ECF No. 1). The application is incomplete because Plaintiff did not include a financial certificate and an inmate trust fund account statement for the previous six-month period. Plaintiff also has not filed a complaint. The Court grants Plaintiff and opportunity to correct both deficiencies.

**I. DISCUSSION**

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. Loc. R. Prac. LSR 2-1. Moreover, this Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1.

For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**,

1 which is page 4 of the Court's approved form, that is properly signed by both the inmate  
 2 and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund**  
 3 **account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–  
 4 (2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of  
 5 his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in  
 6 installments. See 28 U.S.C. § 1915(b).

## 7 **II. CONCLUSION**

8 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this  
 9 Court on or before **September 19, 2023**.

10 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
 11 is denied without prejudice.

12 It is further ordered that on or before **September 19, 2023**, Plaintiff will either pay  
 13 the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with  
 14 all three required documents: (1) a completed application with the inmate's two signatures  
 15 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
 16 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
 17 previous six-month period.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
 19 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
 20 to file the case with the Court, under a new case number, when Plaintiff can file a  
 21 complaint and a complete application to proceed *in forma pauperis* or pay the required  
 22 filing fee.

23 It is further ordered that the Clerk of the Court will send Plaintiff Ryan McKendry-  
 24 Verhunce the approved form for filing a § 1983 complaint and instructions for the same  
 25 and the approved form application to proceed *in forma pauperis* for an inmate along with  
 26 information and instructions for the same.

27 DATED: July 21, 2023

28   
 United States Magistrate Judge